

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MARCH 5, 2013**

CALL TO ORDER

At 7:02 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley, Mr. Hall and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo and Deputy Clerk Linda Santillo.

**EXECUTIVE SESSION – Attorney-Client Privilege/Litigation – Berkeley Heights v. Committee of
Petitioners
Attorney-Client Privilege/Litigation – BAC v. Berkeley Heights
Contract Negotiations – Lone Pine Traffic Light
Contract Negotiations – YMCA Land Lease**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(7:05 p.m.)

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Moved by Mr. Hall to go out of Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(8:05 p.m.)

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

FLAG SALUTE

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION

Discussion on Pro-Rating Vacation Days

Mayor Bruno - discussion on pro-rating of vacation days. No set policy on this at the present time. If someone works any part of the year they receive full vacation time for that year. Mayor Bruno would like the Council to consider pro-rating the days over the full year.

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There was discussion among the Mayor and the Township Council on setting a policy for pro-rating vacation time.

Mayor Bruno asked Township Attorney Joseph Sordillo to draft an ordinance with the police for pro-rating the vacation time as discussed by the Council.

TOWNSHIP COUNCIL REPORTS

Mr. Delia reported he attended a town hall meeting in Garwood last night with the Governor as a speaker.

Mr. Pastore had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff reported on the secession from Union County and that the governing body will be putting a question on the ballot for this purpose. Mr. Woodruff also spoke a few incidents involved with the County such as mailing election date brochures to every elected official in the County and creating a position at the County for a retired freeholder that will cost us tax dollars. Mr. Woodruff said in the coming weeks he will be reporting on the Union County secession at the Council meetings.

Mrs. Kingsley had nothing to report.

Mr. Hall said Stephanie Bakos from the Library had emailed him and asked for an update on the Little Flower land swap. Mr. Hall gave an update on what is being done with the Little Flower land swap. He spoke about professionals that have been hired to determine our needs, to also determine if these facilities are suitable for us and what the economics would be associated with this. Mr. Hall explained in detail. Mr. Hall said we should have this information within the next two to three weeks. Once we have something we feel is somewhat tangible, and we have a framework of how we might consider the swap we will introduce this information to the residents of the town and have an open dialogue with them. Then come up with a final action plan to move forward if we can do so.

Mayor Bruno commented on what Mr. Woodruff spoke about regarding the secession from the County of Union. He said we are doing this for the benefit of the residents of Berkeley Heights. Mayor Bruno reported he attended a town hall meeting in Garwood with the Governor as a speaker. Mayor Bruno reported Saturday is the grand opening of Massage Envy in the Berkeley Shopping Plaza. Mayor Bruno also reported he will be having a breakfast in town hall with the downtown business owners on March 29th. Mayor Bruno also reported on the street fair that will be held in Berkeley Heights to support the businesses.

Moved by Mrs. Kingsley to accept and approve the Township Council Reports, seconded by Mr. Woodruff and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Pirone to open the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Tom Foregger of 14 Dorsett Road asked what the policy is on the vacation carry over.

Mayor Bruno said half of the current vacation days can be carried over with department head approval.

Mr. Foregger referred to resolution #6 and said the position in the court for Dan Garra is not listed in the salary ordinance.

Township Attorney, Joseph Sordillo responded this is a position that is created by a shared services agreement with New Providence and it would not be listed in our salary ordinance.

Mr. Woodruff added this position is in the shared court agreement with New Providence. Mr. Woodruff explained further in more detail.

A discussion followed on this court position. Mayor Bruno pointed out if we did not have this position we would have to use a uniformed Police Officer for court.

Hearing no voices, moved by Mr. Pirone to close the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES
INTRODUCED ON FEBRUARY 19, 2013:**

The Clerk presented and read:

**(1)“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF
SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP
OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL
DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS”** (Explanation: This Ordinance amends the Township’s current Salary Ordinance (Ordinance #1-09, as amended by

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Ordinance Nos. 10-2011, 4-2011, 6-2011, and 11-2012) to update the salary ranges for the various positions.)

Moved by Mr. Pastore to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pastore that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

The Clerk presented and read:

(2) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.72.070 ENTITLED “EMERGENCY MANAGEMENT COUNCIL” OF CHAPTER 2.72 ENTITLED “NONDEPARTMENTAL BOARDS AND COMMISSIONS GENERALLY” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” TO CREATE AND ESTABLISH THE POSITION OF ASSISTANT EMERGENCY MANAGEMENT COORDINATOR”. (Explanation: This Ordinance amends and updates Chapter 2.72 of The Code of the Township of Berkeley Heights to establish the position of Assistant Emergency Management Coordinator)

Moved by Mr. Hall to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

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Hearing no voices, moved by Mr. Hall to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Moved by Mr. Hall that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

**NEW BUSINESS- RESOLUTION
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated March 5, 2013 in the amount of \$230,149.37.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Mrs. Kingsley introduced the following resolution:

2. Resolution cancelling the one-year contract with Carmeuse Lime, Inc., and awarding contract to Greer Industries Company for the purchase of Calcium Hydroxide Hydrated Lime for the Water Pollution Control Plant in the sum of \$25,900.00.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Mr. Woodruff introduced the following resolution:

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3. Resolution authorizing the settlement of the litigation entitled New Jersey Department of Environmental Protection, et al v. Occidental Chemical Corporation, et al.

Moved by Mr. Woodruff to approve resolution #3, seconded by Mr. Hall and carried.

Mr. Delia asked the Attorney to explain this resolution for the public.

Township Attorney, Joseph Sordillo responded this matter is still confidential at this point. This is not a final settlement, we are agreeing to the idea of a proposed settlement. We cannot disclose anything at this time, it is still confidential

Mr. Woodruff pointed out that this is not costing the town any money.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Mr. Delia introduced the following resolution:

4. Resolution authorizing the 8th annual, “Amber Pizzo Memorial 5k Run/Walk” on Saturday, June 29, 2013.

Moved by Mr. Delia to approve resolution #4, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Mr. Pastore introduced the following resolution:

5. Resolution authorizing the first Annual Berkeley Heights Street Fair on Sunday, June 30, 2013.

Moved by Mr. Pastore to approve resolution #5, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Mr. Hall introduced the following resolution:

6. Resolution authorizing the appointment of Daniel Garra as a Court Attendant for the Shared Berkeley Heights-New Providence Municipal Court.

Moved by Mr. Hall to approve resolution #6, seconded by Mr. Woodruff and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

There were no Consent Agenda resolutions.

CITIZENS HEARING

Moved by Mr. Pirone to open the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: None

Thomas Crownover of Plainfield said he is encouraged Berkeley Heights is so business friendly. One of the best places in the area to live. Mr. Crownover spoke about destroying two tires on his vehicle on Snyder Avenue because of a water filled pot hole. Mr. Crownover was unhappy with the decision of the insurance company representing the Township of Berkeley Heights to deny his claim with regard to his situation.

A discussion continued on the pot hole. The discussion also involved Bob Bocchino, Director of Public Works.

Mayor Bruno asked Barbara Russo to contact Statewide Insurance regarding Mr. Crownover's problem with his claim.

Stephen Yellin of 130 Dogwood Lane spoke about the secession referendum. He said this referendum is a non-binding referendum and must go to the State Legislature to be approved. He said other towns have done the same referendum process and they were rejected by the State Legislature after their voters had done this. Mr. Yellin continued with his remarks regarding the secession and the referendum.

Mr. Woodruff responded to Mr. Yellin and said there is one option with respect our elected officials in Trenton and Union County and that is to manage better. We have to manage here in Berkeley Heights and each of our residents needs to manage in their homes. Until the Federal and State government determine that they are going to live within these means these kinds of things are going to occur. Mr. Woodruff continued in length with regard to the secession.

The discussion continued in length with Mr. Yellin, Mayor Bruno and the Township Council.

A resident of 125 Park Avenue asked if NJ Transit grant money can be obtained for paving Park Avenue.

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Mayor Bruno responded Park Avenue is scheduled for paving in the spring and will be listed on the website when it is going to be done.

The resident of 125 Park Avenue spoke about the Lone Pine Drive area around the Delicious Heights parking area being a mess.

Mayor Bruno responded we are looking into taking care of that area. Especially since we are developing that area. He explained further.

Moved by Mr. Pirone to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes:	Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays:	None
Abstain:	None
Absent:	None

ADJOURNMENT

Moved by Mrs. Kingsley to adjourn, seconded by Mr. Pastore and upon roll call vote:
(8:55 p.m.)

Ayes:	Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays:	None
Abstain:	None
Absent:	None

Approved: June 25, 2013

**Ana Minkoff
Township Clerk**